

## Message Text

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70

ORIGIN ARA-10

INFO OCT-01 ISO-00 EB-04 L-01 AID-05 SS-20 NSC-05 STR-01

DOT-00 CIAE-00 COME-00 FRB-01 INR-05 NSAE-00 RSC-01

TRSE-00 XMB-02 OPIC-06 SP-02 CIEP-01 OMB-01 /066 R

DRAFTED BY ARA/CEN:LKILDAY:TK

APPROVED BY ARA/CEN DAVID LAZAR

L - KOZAK

EB/IFD/OIA:MR. SMITH

LA/GC:MARQUEZ

----- 110084

R 120052Z OCT 74

FM SECSTATE WASHDC

TO AMEMBASSY SAN SALVADOR

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E.O. 11652:N/A

TAGS: ELTIN, EINV, BEXP, ES

SUBJECT:GOES TAKEOVER OF IRCA

REF: SAN SALVADOR 4053

1. DEPT. APPRECIATES EMBASSY'S REPORTING OF TRIGUERO'S VIEWS ON MATTERS RELATED TO CANCELLATION OF IRCA CON-  
CESSION. WE ASSUME, HOWEVER, THAT HIS PRIMARY INTEREST  
IS TO DEVELOP BEST POSSIBLE CASE FOR HIS CLIENT AND THAT  
HIS REPRESENTATIONS TO EMBASSY OF GOES ACTION AND ATTITUDES WILL TO A CONSIDERABLE EXTENT BE SHAPED BY THAT  
CONSIDERATION. PARTICULARLY DISCONCERTING IS SUGGESTION  
THAT GOES DECISION TAKEN ON BASIS OF ANTICIPATED ABSENCE  
OF REACTION BY DEPT. FILE OF EMBASSY REPORTS ON THIS  
MATTER DEMONSTRATES CLEARLY THAT EMBASSY CONSISTENTLY HAS  
TAKEN POSITION WITH GOES THAT U.S REACTION COULD BE  
TRIGGERED BY ANY GOES ACTION WHICH FALLS WITHIN PURVIEW  
OF RELEVANT U.S. LEGISLATION.

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2. QUESTION OF JUSTICIABILITY IN THIS CASEIS, OF COURSE

KEY POINT AND WE LOOK FORWARD TO HAVING THAT CLARIFIED.  
CRITICAL HERE IS WHETHER GOES HOLDS MERELY THAT CANCEL-  
LATION ACTION ITSELF IS NON-JUSTICIABLE OR WHETHER NON-  
JUSTICIABILITY CLAIM EXTENDS TO QUESTION OF POSSIBLE  
AMOUNT OF COMPENSATION DUE IRCA FOR ASSETS GOES HAS TAKEN  
OVER. IF COMPENSATION QUESTION IS HELD TO BENON-

JUSTICIABLE AND THERE ARE NO OTHER LEGAL REMEDIES  
PROVIDED THIS WOULD BE CONTRARY TO POSITION WE HAVE  
EXPRESSED REPEATEDLY TO GOES.  
INGERSOLL

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** NATIONALIZATION, FOREIGN INVESTMENTS, RAILROADS, FOREIGN POLICY POSITION, GOVERNMENT REACTIONS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 12 OCT 1974  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** elyme  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1974STATE225864  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** LKILDAY:TK  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D740291-0980  
**From:** STATE  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1974/newtext/t19741049/aaaabpqqs.tel  
**Line Count:** 72  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ORIGIN ARA  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:** n/a  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** SAN SALVADOR 4053  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** elyme  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 10 SEP 2002  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <10 SEP 2002 by boyleja>; APPROVED <05 MAR 2003 by elyme>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** OES TAKEOVER OF IRCA  
**TAGS:** EINV, BEXP, ELTN, ES, US, IRCA  
**To:** SAN SALVADOR  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005